

RECEIVED
DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

2008 JAN 18 P 1 33

CURVES INTERNATIONAL, INC.,)

Plaintiff,)

v.)

CASE NO. 2007-CV-807-MHT

JURY TRIAL REQUESTED

LINDA S. MOSBARGER,)

Defendant.)

MOTION TO ADD INDISPENSABLE PARTIES

COMES NOW the DEFENDANT, LINDA S.MOSBARGER, nee LINDA S.

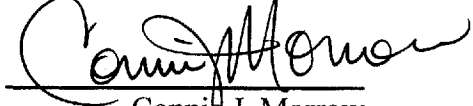
LEWIS, by and through undersigned counsel, and requests this Honorable Court to add the following indispensable parties essential to a complete and just resolution to this controversy, in accordance with the following *Federal Rules of Civil Procedure*, *Rule 18*-Joinder of similar claims, cross-claims, 3rd party claims and counterclaims; *Rule 19*-Joinder of indispensable parties and *Rule 22*-Interpleader of involuntary parties-defendants/plaintiffs:

1. Kevin Ayers, individual;
2. Julie Ferrell, individual;
3. Pamela Roy, individual; and
4. Michael R. Gray, individual.

This action was previously requested in item Number #3 of the Amended Answer-Counterclaim filed on or about November 13, 2007. All of these individuals, except Pamela Roy, were specifically identified in the earlier pleading, and based upon their

collective response with this Court, appear to be fully aware of the allegations contained in the before cited pleading of November 13, 2007, of improper or illegal conduct in violation of state or federal law in relation to their involvement in this matter, with the exception of Pamela Roy who was previously identified by her position rather than by her name. Also, the Counterclaim filed on or about November 13th, 2007, gave notice in compliance with the procedures of the Clerk of the Court of the Middle District of Alabama by certified mail, service upon their employer, or by service on their employer's lawyer of the matters in controversy. Additionally, the Defendant-Linda Mosbarger nee: Lewis, seeks the addition of these indispensable parties in order to be fully equipped to properly defend this apparent vindictive and substance lacking action which has misrepresented the situation to this Honorable Court from the initial date of filing, to seeking expedited discovery prior to the Plaintiff being represented by legal counsel, to perhaps criminal, and at the least improper, conduct being perpetrated against the Defendant in order to intimidate this small-time business woman, or at least rattle her prior to the November 21, 2007, injunction hearing.. This conspiratorial concerted effort, much time and legal expense over a non-business, carry-over "gym" or non-profit community center which had started out to be a restaurant is evidence of the Plaintiff's bad faith in brining this action and unwillingness to settle under any circumstances prior to the injunction hearing, or give the Defendant any opportunity to take corrective, remedial or conciliatory action or settle this matter.

Respectfully submitted,


Connie J. Morrow
(#ASB-6870-O78C)
Attorney for LINDA S. LEWIS

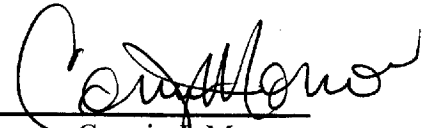
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CERTIFICATE OF SERVICE

The undersigned verifies a true and accurate copy of this document has been delivered to the following (Defendants and purported legal counsel) by placing on this date a copy of such in the U. S. mail, proper postage prepaid, on this the 18th day of January, 2008, and addressed as follows:

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